

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

DANIEL J. COLVIN,

Plaintiff,

vs.

COMENITY BANK,

Defendant.

CV 20-87-BLG-SPW

ORDER ADOPTING  
MAGISTRATE'S FINDINGS  
AND RECOMMENDATIONS

The United States Magistrate Judge filed Findings and Recommendations on January 7, 2021. (Doc. 7). The Magistrate recommended that the action be dismissed for failure to state a claim on which relief may be granted and that the Court should certify that any appeal would not be taken in good faith. (Doc. 7 at 3).

Pursuant to 28 U.S.C. § 636(b)(1), parties are required to file written objections within 14 days of the filing of the Magistrate's Findings and Recommendation. No objections were filed. When neither party objects, this Court reviews the Magistrate's Findings and Recommendation for clear error.

*McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d

422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendation, this Court does not find that the Magistrate committed clear error.

IT IS ORDERED that the proposed Findings and Recommendations entered by the United States Magistrate Judge (Doc. 7) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that the action is DISMISSED for failure to state a claim on which relief could be granted. The Court CERTIFIES that any appeal of this disposition will not be taken in good faith and the Clerk of Court shall enter judgment in favor of Defendant Comenity Bank and against Plaintiff Colvin.

DATED this 25<sup>th</sup> day of January, 2021.

  
\_\_\_\_\_  
SUSAN P. WATTERS  
United States District Judge